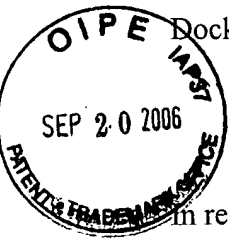


9-25-06

AF
27W



Docket No.: 066784-0013

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Palczewski, Krzysztof, et al.

Application No.: 09/990,185

Filed: November 21, 2001

: Customer Number: 41552
:
: Confirmation Number: 1224
:
: Tech Center Art Unit: 1635
:
: Examiner: Angell, Jon E.
:

For: EXPRESSION OF POLYPEPTIDES IN ROD OUTER SEGMENT MEMBRANES

CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)

"Express Mail" Mailing Label Number EV 643847024 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 22, 2006.

Lorraine Smith

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated March 22, 2006 of the Primary Examiner finally rejecting claims 1-27, 30-36, 39.

Appeal Fee: \$250.00 (Applicant is entitled to small entity status). Charge to Deposit Account No. 502624.

09/25/2006 HLE333 00000073 502624 09990185

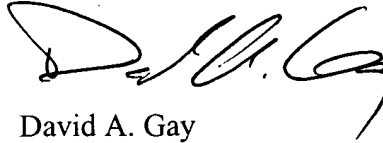
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Application No. 09/990,185

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'D. A. Gay', with a stylized flourish at the end.

David A. Gay
Registration No. 39,200

4370 La Jolla Village Drive, Suite 700
San Diego, CA 92122
Phone: 858.535.9001 DAG:dcd
Facsimile: 858.597.1585
Date: September 22, 2006

**Please recognize our Customer No. 41552
as our correspondence address.**